

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the **PATENT APPLICATION** of:

Wieth et al.

Application No.: 10/581,102

Confirmation No.: 5371

Filed: May 31, 2006

For: TRANSPORT CART WITH ANTI-THEFT
PROTECTION

Group: 3618

Examiner: Katy E. Meyer

Our File: SPT-PT007

Date: October 26, 2010

APPEAL BRIEF

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Appeal Brief is being filed in response to the Notice of Panel Decision from Pre-Appeal Brief Review dated July 27, 2010, and is submitted in conjunction with a Petition for Extension of Time for Two Months and the appropriate fee.

The fee under 37 C.F.R. 41.20(b)(2) is also being submitted herewith.

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I. Real Party in Interest

The real party in interest is:

SYSTEC-POS – Technology GmbH
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Germany

II. Related Appeals and Interferences

None.

III. Status of the Claims

Claims 1 and 4 - 6, all of the pending claims in the instant application, stand rejected and are the subject of this appeal. The pending claims on appeal are attached in the Claims Listing in Section VIII.

IV. Status of Amendments

The October 1, 2009 amendment is the latest amendment entered in this application. The March 26, 2010 Reply After Final did not include any further amendments.

V. Summary of Claimed Subject Matter

The claimed subject matter is a transport cart with front and rear rollers all of which can be steered which is provided with anti-theft protection that can be activated automatically as soon as the transport cart is located outside of a permissible area. In this situation, in order to prevent theft of the cart or at least to inhibit it, at least one of the front rollers and at least one of the rear rollers are fixable in pre-determined steering positions corresponding to a blocking angle, and upon activation, the anti-theft protection automatically moves the rollers into the steering position corresponding to the blocking angle. This is an improvement over the prior art devices because at least one front roller and at least one rear roller are moved automatically to this blocking position upon activation of the anti-theft protection. In comparison with the prior known devices, which either are locked at the position they are in or can continue along a straight path as long as the wheels are not turned so that a blocking position can be reached, the invention allows for better protection of transport carts.

Claim 4 depends from claim 1 and further specifies that one of the front rollers is mounted at a front axle and is fixable in position at a

diagonal in reference to the longitudinal axis of the transport cart and one of the rear rollers is mounted at a rear axle and is fixable in position at a straight steering angle in reference to the longitudinal axis of the transport cart. This provides the immediate benefit that as soon as the anti-theft protection is activated, only a circular movement of the cart is possible.

With respect to claim 5, this claim further recites that upon activation of the anti-theft protection, a force occurs which causes one of the rollers to rotate into an oblique position of the blocking angle. Further, claim 6 recites that upon activation of the anti-theft protection, a spring-loaded bolt immediately latches into a recess on the roller as soon as the steering angle corresponds to the blocking angle.

The solution according to the invention includes specific elements and provides specific advantages not shown in the cited art.

VI. Grounds of Rejection to be Reviewed on Appeal

Claims 1, 4 and 5 stand rejected under 35 U.S.C. §103 as unpatentable over the combination of U.S. 4,772,880 to Goldstein et al. and U.S. 6,054,923 to Prather et al. Claim 6 stands rejected under 35

U.S.C. §103 as unpatentable over the combination of Goldstein et al. and Prather et al., further in view of U.S. 6,102,414 to Schweninger.

VII. Argument

A. The rejection of claims 1, 4 and 5 in view of the combination of Goldstein et al. and Prather et al. should be overturned because this combination does not show all of the elements recited in claims 1, 4 and 5.

Goldstein et al. discloses a transport cart in which the wheels are evidently held in a blocking position via a pair of arms (36, 38) once a cart is moved outside of a pre-determined area. However, in Goldstein et al. the arms, (36, 38) do not automatically move the wheels to the blocking position when the anti-theft protection is activated. Rather, as noted in Goldstein et al. at column 3, lines 1-4, "when first lowered, the arms 36 and 38 may ride upon the tread of the wheel 22", (emphasis added). Here, it is clear that Goldstein et al. lacks an automatic activation of the anti-theft protection, that moves the wheels to a blocking position and is merely a release of arms which, when the cart is turned by the user, can drop down into position after the wheel(s) are turned. Prior to that, the arms ride upon the tread as specifically noted by Goldstein et al. Thus, the

Goldstein et al. cart can still be used as long as it is pushed along a straight path such that the arms continue to ride on the tread of the wheel.

Goldstein et al. notes at column 3, lines 4-7 that eventually "the wheel 22 must of necessity move off a directly forward or backward line; and, once it has done so, the arms 36 and 38 drop to their lowest most positions..."

(emphasis added). Here it is clear based on Goldstein et al.'s explanation that this does not occur upon activation of the anti-theft protection, but at some later point in time which could be seconds or minutes later, depending upon the action of the user. Accordingly, Goldstein et al. specifically indicates that its anti-theft effect is random and depends upon an external, unpredictable circumstance, namely that the cart is turned enough such that the arms (36, 38) no longer ride on the tread and drop down so that the wheel is finally held in a blocked position. Thus, not only does the Goldstein et al. device fail to provide anti-theft protection upon activation, it further fails to teach automatically moving the rollers from the steering position to the blocking position as required by claim 1.

As a final note with respect to Goldstein et al., the wheels are not fixed into a pre-determined steering position corresponding to a blocking angle, but rather are merely constrained to a range of movement of

between 5° to 30° or between 5° and 15°. See column 3, lines 10-15. Thus, the Goldstein et al. device roller system enables steering to some limited extent and does not block the wheels into a pre-determined steering position corresponding to a blocking angle as required in claim 1.

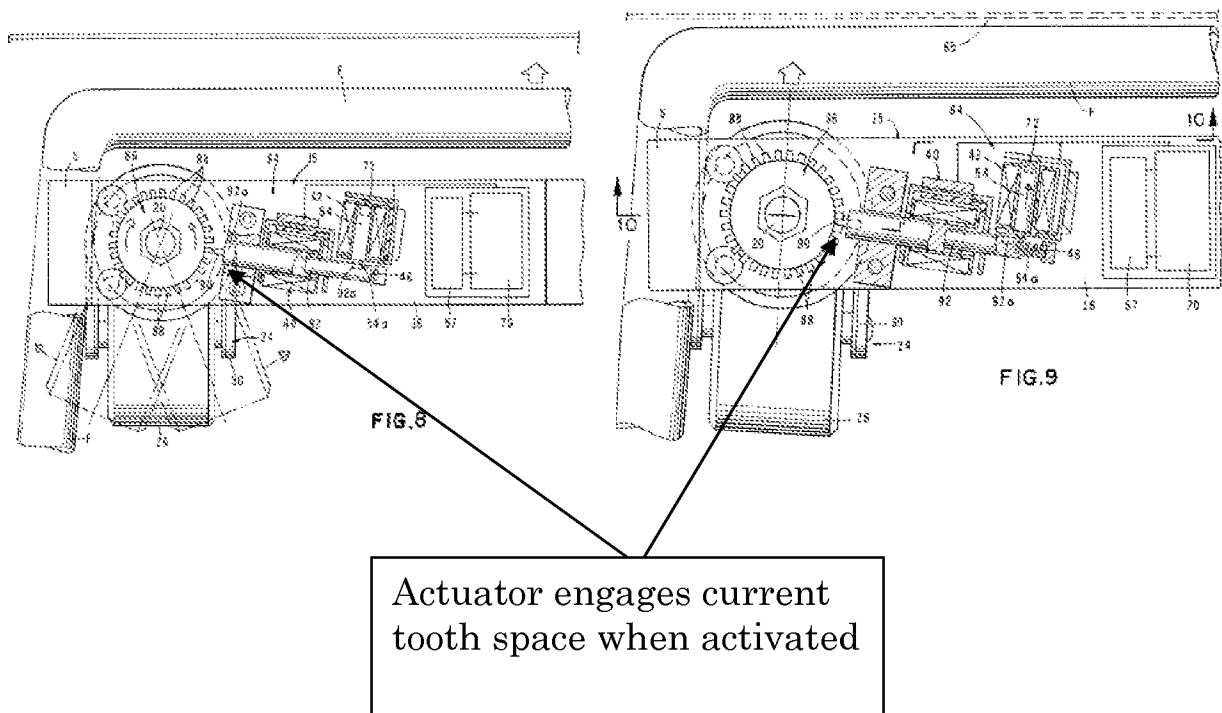
Prather et al. was only cited as teaching anti-theft devices that act on the front and rear wheels. However, it does not address the other deficiencies noted above in connection with Goldstein et al. and accordingly, even if combined as suggested in the Action, the combination would not teach all the elements recited in claim 1.

Claim 4 is patentable for the reasons noted above in connection with claim 1.

With respect to claim 5 and the recited combination of Goldstein et al. and Prather et al., there is no suggestion or disclosure in these references wherein following activation of the anti-theft protection, a force occurs which causes one of the rollers to rotate into an oblique position of the blocking angle. This does not occur upon activation of Goldstein et al. as noted at column 3, lines 1-5.

B. The rejection of claim 6 combines Goldstein et al. and Prather et al. with Schweninger. This additional reference is cited as teaching an anti-

theft protection device with a spring loaded bolt that latches in a recess. However, as clearly disclosed by Schweninger, this device merely locks the roller in its currently facing position upon activation, depending upon which of the teeth (88) is engaged. Figures 8 and 9 of Schweninger shown with annotations below indicate that there is nothing which automatically moves the rollers into a steering position corresponding to the blocking angle in this reference and rather, it merely discloses locking the wheels in their then current position once the device is activated. Even if combined, these references still lack at least one element recited in claim 6 and accordingly, this rejection should also be overturned.



VIII. Claims Appendix

1. (Rejected) A transport cart with front and rear rollers, all of which can be steered, comprising: an anti-theft protection that can be activated automatically as soon as the transport cart is located outside of a permissible area, the anti-theft protection includes at least one of the front rollers (4) and at least one of the rear rollers (7) being fixable in predetermined steering positions corresponding to a blocking angle, and upon activation, the anti-theft protection automatically moves the rollers into the steering position corresponding to the blocking angle.

2. (Canceled).

3. (Canceled).

4. (Rejected) A transport cart according to claim 1, wherein one of the front rollers (4) is mounted at a front axle (3) and is fixable in position at a diagonal angle in reference to the longitudinal axis of the transport cart (1) and one of the rear rollers (7) is mounted at a rear

axle (6) and is fixable in position at a straight steering angle in reference to the longitudinal axis of the transport cart (1).

5. (Rejected) A transport cart according to claim 1, wherein following activation of the anti-theft protection, a force occurs which causes one of the rollers to rotate into an oblique position of the blocking angle.

6. (Rejected) A transport cart according to claim 1, wherein upon activation of the anti-theft protection, a spring-loaded bolt latches immediately into a recess on the roller as soon as the steering angle corresponds to the blocking angle.

IX. Evidence

None.

X. Related Proceeding Appendix

As previously stated in Section II, there are no related proceedings and thus no appendix is attached.

Conclusion

Based on the differences noted above, the pending rejections should be withdrawn and the claims allowed.

Respectfully submitted,

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